

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

THOMAS KRAKAUER,)	
)	
Plaintiff,)	
)	
v.)	1:14-CV-333
)	
DISH NETWORK LLC,)	
)	
Defendant.)	
_____)	

ORDER

This matter is before the Court upon the parties' Joint Submission, Doc. 356, made in response to the Court's July 27, 2017, Memorandum Opinion and Order, Doc. 351, which directed the parties, absent a complete agreement, to make a joint submission on the following items: claim form, claims deadline, and instructions to class members.


Upon consideration of the Joint Submission and supporting documents, and good cause appearing therefor:

1. The Court adopts and approves the instructions and claim form attached to this Order. The claims administrator shall see that all spaces indicated as "preprinted" are filled in before mailing to class members, and that the deadline, website information, and phone contact numbers are provided. The claims administrator should make reasonable non-substantive modifications to font, layout, and design in order to enhance clarity, readability, and likelihood of response. Substantive changes require court approval, absent consent of all the parties. The plaintiffs' counsel shall file an exemplar

of the claims form and instructions, as they will be mailed, at least five days before mailing.

2. The claims period shall be 120 days from the date of mailing.
3. The claims administrator shall mail claims forms in accordance with the procedures outlined in the Court's July 27, 2017, Memorandum Opinion and Order. Doc. 351 at 17-19.

SO ORDERED this 12th day of September, 2017.



UNITED STATES DISTRICT JUDGE

DISH Telemarketing Lawsuit Payment Form (complete, sign, and mail by [DATE])

Telephone Number: [preprinted]

Maximum Potential Cash Payment: [preprinted]

Is this your current address? [preprinted]

If not, what is your current address? _____

May we contact you by telephone or email? Telephone _____ Email _____

Did you or someone in your household have this telephone number between May 11, 2010 and August 1, 2011? Circle: Yes/No

*IF “No,” you are not eligible to receive a payment. Please sign and date the form below, and return it in the enclosed envelope. If you know who had this number in 2010-2011, please identify that person, and include any contact information you may have:

*IF “Yes,” who was your telephone provider (for example, Verizon, AT&T) at that time? _____. If you have a telephone bill or other documents showing that you or someone in your household had this number, please attach a copy. If you do not have these kinds of documents, that’s OK; please sign and return this form, and the Claims Administrator will contact you to help you complete your claim for payment.

By signing, you affirm that the information is correct to the best of your knowledge.

Sign your name here

Print your name here

Date

For more information: [website, phone number]

LEGAL NOTICE

You Could Receive a Large Cash Payment as Damages for Telemarketing Calls Placed in 2010-2011 to Sell DISH Network Subscriptions.

A Court Has Directed that this Notice be Mailed to You.

You are not being sued.

**Please Complete and Mail the Enclosed Form
by [DATE] to be Eligible for a Payment.**

Your Telephone Number: [preprinted]

Maximum Amount of Your Potential Damages Award, if Eligible: [preprinted]

This form was mailed to you because records show that you or someone in your household had the telephone number shown above at some point between the class period of May 11, 2010 and August 1, 2011.

In 2014, a consumer named Thomas Krakauer brought a lawsuit in North Carolina federal district court against DISH Network L.L.C. He claimed that a DISH authorized retailer illegally made telemarketing calls to him while his number was on the national Do Not Call Registry, and that DISH was responsible for those calls. The judge allowed the case to be brought for a group of consumers—called a class action—who also received DISH telemarketing calls.

After a trial in January 2017, a jury found that DISH was liable for calls placed by the retailer to certain telephone numbers on the Do Not Call Registry, including [preprinted]. The jury, however, did not determine the identity of class members who should receive an award. The potential damages award for each call is \$1,200. Records show that the above telephone number received [preprinted] calls during the class period (May 11, 2010 through August 1, 2011), making the person or persons who had the number during the class period eligible for a maximum damages award of \$[preprinted]. The Court will reduce that amount by some percentage to pay the attorney's fees and costs requested by the class lawyers who tried the case.

To be eligible for payment, complete the form on the next page, and mail it and any supporting documents in the enclosed prepaid envelope by _____. Submitting the claim form does not guarantee payment. A decision must be made on whether you are eligible for a payment. DISH also has the right to appeal the jury's verdict.

The case is *Krakauer v. DISH Network, L.L.C.*, No. 1:14-CV-333. It was filed in the U.S. District Court for the Middle District of North Carolina.

If you have questions, you can visit the Claims Administrator's website at _____, or call the Claims Administrator at _____. You may also call the lawyers for the class at _____. Do not call the Court, DISH Network, or the attorneys for DISH Network.